

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JEAN PRESANDIEU,

Petitioner,

v.

U.S. IMMIGRATION & CUSTOMS
ENFORCEMENT,

Respondent.

ORDER
06-CV-301S

1. On May 9, 2006, Petitioner Jean Presandieu filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Therein, Petitioner asserts a challenge to his continued administrative detention pending his removal from the United States to Haiti, which is his native country. (Docket No. 1.)

2. On February 12, 2007, Respondent filed a Motion to Dismiss the Petition on the grounds that it is now moot. (Docket No. 11.) In particular, Respondent asserts that Petitioner was removed from the United States on December 20, 2006, and is therefore no longer in administrative custody. (Mitchell Aff., ¶¶ 2, 5.) Further, Respondent attaches documents confirming the execution of a Warrant of Removal/Deportation for Petitioner. (Mitchell Aff., ¶ 5 and Exhibit A.)

3. Based on this evidence, this Court finds that Petitioner is no longer being held in administrative detention. Accordingly, the Petition for Writ of Habeas Corpus is moot and will be dismissed.

IT HEREBY IS ORDERED, that Respondent's Motion to Dismiss (Docket No. 11) is GRANTED.

FURTHER, that Petitioner's Petition for Writ of Habeas Corpus (Docket No. 1) is DISMISSED as moot in light of Petitioner's removal from the United States to Haiti.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: February 21, 2007
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge